

Docket No.: 0020-4802P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ichiro AZUMA et al.

Application No.: 09/743,750

Confirmation No.: 7730

Filed: March 22, 2001

Art Unit: 1645

For: FORMULATIONS USEFUL FOR
IMMUNOTHERAPY FOR CANCERS
CONTAINING BACTERIAL COMPONENT
AS AN ACTIVE INGREDIENT

Examiner: V.L. Ford

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

The Office Action dated February 14, 2004 includes a copy of form PTO 1449 (submitted with an IDS on January 16, 2001) initialled by the Examiner. However, among the listed items, the following references are lined through, indicating that they were not considered by the Examiner:

JP 54-233313
JP 60-1133
JP 60-120817

The IDS of January 16, 2001 was accompanied by an English translation of an International Search Report, a copy of which is attached hereto. That ISR lists the above-noted references and provides an indication of the relevance of the references to the claimed subject

matter. Furthermore, the ISR provides English language equivalent publications. Accordingly, the ISR is sufficient so that the Examiner should have considered the above-listed three Japanese references. MPEP 609.04(a) part III.

It has come to the attention of Applicants' Representative that the form PTO 1449 includes a typographical error. In particular, JP 54-288313 is incorrectly listed as 54-233313.

A copy of the IDS filed January 16, 2001, together with the corrected form PTO 1449 and English translation of the ISR, are provided for the Examiner's convenience. The Examiner is respectfully requested to consider the JP 54-288313, JP 60-1133 and JP 60-120817 references listed and to return to the undersigned an initialed form PTO 1449 indicating such consideration.

Dated: February 12, 2009

Respectfully submitted,

By Mark J. Nuell
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Attachment(s): IDS of January 16, 2001 w/ form PTO 1449 and ISR